

PATENT

Attorney Docket No.: A-70685/DJB/MAK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#14

In re application of:

Examiner: Not Yet Known

Donald JAFFREY

Group Art Unit: Not Yet Known

Serial No.: 09/869,544

Filing Date: 22 June 2001

For: *Electrically Conductive
Ceramics*

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231 on 12 October 2001.

Signed:

Todd V. LEONE

**TRANSMITTAL OF MISSING REQUIREMENTS AND REQUEST FOR REFUND
UNDER 37 C.F.R. §§ 1.26(a) and 1.28(a)(1)**

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This transmittal is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed 13 August 2001.

Applicant submits the following items:

1. This Transmittal of Missing Requirements.
2. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) as referenced hereinabove.
3. Declaration and Power of Attorney executed 1 August 2001.

4. Assignment executed 1 August 2001 with Form PTO-1595 Recordation Form Cover Sheet.
5. Our Check No. 37968 in the amount of \$40.00 to pay the recordation fee.
6. Power of Attorney by Assignee executed 4 September 2001.

Applicant notes that the Notification of Missing Requirements states in § 4 that additional claims fees are due. Applicant respectfully points out that the Article 34 filed on 27 March 2001 prior to national phase entry in the U.S. eliminated all multiple dependent claims previously present in the PCT application. Thus, the claims count of 25 total claims and four independent claims as presented in Applicant's Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 is correct and Applicant believes that no additional claims fees are due.

Applicant hereby claims small entity status (see 37 CFR 1.27) and hereby states that Assignee also is entitled to small entity status.

In light of the Applicant's claim of small entity status hereinabove, a refund is hereby requested in the amount of \$650.00, representing half of the \$1,300.00 filing fee paid by check with the submission of the instant patent application by Express Mail on 29 June 2001.

The Commissioner is hereby authorized to charge any additional fees that may be required, including extension fees, or credit any overpayment or refund to Deposit Account No. 06-1300 (our Order No. A-70685/DJB/MAK).

Date: 12 October 2001

Respectfully submitted,

FLEHR HOHBACH TEST
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/869544	JAFFREY	D A-70685/DJB/
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NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- | | |
|---|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventor(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- | | |
|--|---|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. | File <u>A-70685</u> Atty <u>DJB/mak</u>
Due Date <u>10/13/01</u>
Type <u>2nd copy</u> Refs <u>—</u> |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. | |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). | |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. | |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. | |
| <input type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). | |
4. Additional claim fees of \$ 324.00 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☒ PTO-875 ☐ PCT/DO/EO/920

Barbara A. Campbell